

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

CRYSTAL CONWAY,

Plaintiff,

v.

PORTFOLIO RECOVERY GROUP,
LLC, and DANIEL OLCOTT,

Defendants.

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No. 4:12CV02244 ERW

MEMORANDUM AND ORDER

This matter comes before the Court on Plaintiff Crystal Conway's Motion for Order to Show Cause [ECF No. 35].

On August 15, 2013, the Court entered Default Judgment in the amount of \$7,962.00 against Defendants Portfolio Recovery Group, LLC and Daniel Olcott. Defendants failed to tender funds in satisfaction of the Judgment. Therefore, on September 12, 2013, Plaintiff served Defendants with post-judgment discovery, seeking information regarding Defendants' income and assets to aid in satisfaction of the Judgment, pursuant to Federal Rule of Civil Procedure 69(a)(2). Defendants failed to answer the discovery request. On November 18, 2013, Plaintiff's counsel sent correspondence to Defendants, requesting they respond, and advising failure to do so would result in a Motion to Compel. Defendants replied neither to the discovery request nor to correspondence from Plaintiff's counsel, and Plaintiff filed a Motion to Compel, to which Defendants did not respond. Thus, on December 20, 2013, the Court granted Plaintiff's Motion, ordering Defendants to pay the judgment in full or respond to Plaintiff's post-judgment

discovery within seven days. The Court also advised Defendants failure to comply would result in an order of contempt.

On the same day, Plaintiff's counsel sent Defendants correspondence, enclosing a copy of the Court's Memorandum and Order [ECF No. 33]. More than seven days have passed since December 20, 2013, and Defendants have failed to supply any response. Plaintiff now moves the Court to direct Defendant Daniel Olcott, individually and in his capacity as the President of Portfolio Recovery Group, LLC, to show cause why Defendants should not be adjudged in contempt of Court. Plaintiff further requests the Court to order that failure to comply will result in: (1) an order adjudging Defendants in contempt of Court, (2) the issuance of a Form AO442 directed to Daniel Olcott, (3) the imposition of fines up to \$1,000.00 for every day Defendants fail to comply with this Court's Memorandum and Order dated December 20, 2013 [ECF No. 33], commencing at the issuance of the instant Memorandum and Order, (4) the issuance of such further orders as the nature of the case may require and as the Court may deem just and proper, and (5) the imposition of attorneys' fees and costs for enforcement of the judgment. Defendants have failed to respond to the instant Motion.

Based upon the foregoing, the Court finds Plaintiff is entitled to her requested Order. Defendants have failed to respond to Plaintiff's discovery request, correspondence, Motion to Compel, and instant Motion for Order to Show Cause.


Accordingly,

IT IS HEREBY ORDERED that Plaintiff Crystal Conway's Motion for Order to Show Cause [ECF No. 35] is **GRANTED**.

IT IS FURTHER ORDERED that Defendant Daniel Olcott, individually and in his capacity as the President of Portfolio Recovery Group, LLC, shall, within seven days of the filing of this Order, show cause why the Court should not adjudge Defendants in contempt of Court.

IT IS FURTHER ORDERED that failure to comply will result in (1) an order adjudging Defendants Daniel Olcott and Portofolio Recovery Group, LLC, in contempt of Court, (2) the issuance of a Form AO442 directed to Defendant Daniel Olcott, (3) the imposition of fines up to \$1,000.00 for every day Defendants fail to comply with this Court's Memorandum and Order dated December 20, 2013 [ECF No. 33], commencing at the issuance of this Memorandum and Order, (4) the issuance of such further orders as the nature of the case may require and as the Court may deem just and proper to compel compliance with the Court's orders, and (5) the imposition upon Defendants of attorneys' fees and costs for enforcement of the judgment.

Dated this 4th Day of February, 2014.

A handwritten signature in black ink, appearing to read "E. Richard Webber", is written over a horizontal line.

E. RICHARD WEBBER
SENIOR UNITED STATES DISTRICT JUDGE